

## **Town Board Minutes**

July 15, 2013

Meeting No. 23

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15<sup>th</sup> day of July 2013 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
SCOTT PEASE, ASST. CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
TERRENCE MCCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **EXECUTIVE SESSION:**

AT 8:29 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; a contractual matter and possible litigation matter.

At 8:47 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- Reduction of sale price of 3949 Walden Avenue Facility.
- Use of garbage totes and comments regarding rats in his neighborhood.

**Breidert, John**, spoke to the Town Board on the following matter:

- Has seen rats in his yard. Requests the Town consider garbage totes.

**Breidert, Toby**, spoke to the Town Board on the following matters:

- Comments and concerns about rats in her yard.
- Asks the Town to consider using totes for garbage collection.

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- Local Law to amend text of Light Industrial Zoning District.
- Bid award for construction of Indoor Baseball Training Facility.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Basil Chevrolet addition site plan approval.
- Extension of site plan approval for Benderson project at 4817 Transit Road.
- Appointment of laborer Grade #1 position.
- The lack of a sink in the employee break room in the Public Safety Building.
- Concerns about development.

**Hangauer, Dave**, spoke to the Town Board on the following matter:

- Resolutions regarding Local Law to amend text of Light Industrial Zoning Code.

**Kazmierczak, Tom**, spoke to the Town Board on the following matters:

- Use of garbage bags and concerns about rats.
- Buffalo-Lancaster Airport.

**Lemaster, Kevin**, spoke to the Town Board on the following matter:

- Commends Town Board for text change to Light Industrial Zoning Code.

**Nosbisch, Paul**, spoke to the Town Board on the following matter:

- Comments regarding public safety as related to the Buffalo-Lancaster Airport.

**Popiolkowski, Chester, President LVAC**, spoke to the Town Board on the following matter:

- Thanked the Town Board for extending the Town's contract with LVAC.

**Rayhill, Mike, President of Jiffy-Tite**, spoke to the Town Board on the following matters:

- Thanked the Town Board for their support for their expansion which aided them in their continued growth.
- Encourages the Town to reach an agreement between the residents and the Buffalo-Lancaster Airport as the airport is integral to Jiffy-Tite's operation.

**Symer, Donald**, spoke to the Town Board on the following matters:

- Commends Highway Superintendent for milling and repaving of town roads.
- Requests "Deer Crossing" sign for Columbia Avenue.
- Links between fast food restaurants and rat problem.

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board  
and the Planning Board held July 1, 2013 and the Regular Meeting of the Town Board  
held July 1, 2013 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Director of Administration and Finance, to wit:

Claim No. 31408 to Claim No. 31579 Inclusive

Total amount hereby authorized to be paid: \$1,536,131.88

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure	Village
21734		The Kaz Company	6 Old Post Rd	Re-Roof	
21772		Ralph & Lillian Kuhn	17 Rollingwood Dr	Re-Roof	
21782		The Kaz Company	3 Sugar Mill Ct	Re-Roof	
21784		The Kaz Company	101 Aurora St	Re-Roof	(V/L)
21785		Steven C. Smith	54 Tranquility Trl	Er. Fence	
21786		Michael & Shauna Karas	70 Stony Brook Dr	Er. Shed	
21787		Jonathan Gajkowski	21 Veterans Dr	Er. Shed	(V/L)
21788		Michael Mordino	37 Bentley Cir	Er. Shed	
21789		Russell H. Caldwell	51 Main St	Er. Deck	
21790		Creative Fence	58 Trentwood Trl N	Er. Fence	
21791		Vincent Balasano	54 Woodlawn Ave	Re-Roof	(V/L)
21792		Joseph Capaccio	43 Laverack Ave	Re-Roof	(V/L)
21793		Joseph Capaccio	21 Woodlawn Ave	Re-Roof	(V/L)
21794		Patricia J. Celej	18 St Marys St	Re-Roof	(V/L)
21795		Joshua B. Sears	237 Seneca Pl	Inst. Fireplace/Stove	
21796		David M. Derenda	368 Stony Rd	Er. Garage	
21797		Andrew B. Gangloff	19 Garfield St	Er. Garage	(V/L)
21798		Black Rock Roofing	127 Court St	Re-Roof	(V/L)
21799		Studi Built Sheds LLC	22 Avian Way	Er. Shed	
21800		Gary & Debra Meier	58 Newberry Ln	Re-Roof	
21801		Jason Kempinski	127 Pleasant Ave	Er. Res. Add.	(V/L)
21802		DJC Land Development	8 Branch Way	Er. Dwlg.-Sin.	
21803		Brad & Beth Lynch	33 Tanglewood Dr	Re-Roof	
21804		John & Amy Petunyak	50 Deerpath Dr	Re-Roof	
21805		Stephen & Barbara DeCaire	2 Broadmoor Ct	Re-Roof	
21806		Mark R. Rabent	30 Signal Dr	Er. Shed	
21807		Richard Tylec	30 Michael Anthony Ln	Er. Fence	
21808		Richard E. Thurnherr	132 Pavement Rd	Er. Shed	
21809		Patricia Kedzierski	16 Winfield Ave	Dem. Bldg	(V/L)
21810		Franklin J. Hoerner, Sr.	19 Ellie Ct	Er. Shed	
21811		Stephen P. Verostko	32 Ashwood Ct	Er. Fence	
21812		Brian Murphy	25 Highland Pl	Er. Fence	(V/L)
21813		David J Roland	35 Sterling Pl	Er. Fence	
21814		Ralph A Adolf	20 St Joseph St	Re-Roof	(V/L)
21815		Paul & Beth Cumbo	25 Village View	Re-Roof	
21816		Richard Wyszynski	270 Enchanted Forest N	Re-Roof	
21817		James & Karen Spratz	9 Ryan St	Re-Roof	
21818		Ronald W Pokorski	20 Old Schoolhouse Rd	Re-Roof	
21819		Sturm Roofing LLC	97 Newberry Ln	Re-Roof	
21820		Sturm Roofing LLC	96 Newberry Ln	Re-Roof	
21821		William D Olewniczak	57S Miller Ave	Er. Fence	
21822		Heather A Moden	22 Benson Dr	Re-Roof	(V/L)
21823		Pamela J O'Neil	20 Fox Trace	Er. Res. Alt.	
21824		Marrano/Marc Equity Corp	9 Kent Pl	Er. Dwlg.-Sin.	
21825		Marrano/Marc Equity Corp	1 Kent Pl	Er. Dwlg.-Sin.	
21826		Daniel & Maria Hutchinson	11 Rose St	Er. Fence	
21827		Marrano Marc Equity Corp	39 Sterling Pl	Er. Dwlg.-Sin.	
21828		Marrano/Marc Equity Corp	3 Sterling Pl	Er. Dwlg.-Sin.	
21829		Mark & Michelle Burakowski	4 Jillian Ln	Er. Pool-Abv Grnd	
21830		House Crafters LLC	31 Parkedge Dr	Re-Roof	
21831		Wilson G Corah	16 Glendale Dr	Er. Fence	

21832	Anderson Water Systems, Inc.	5100 William St	Inst. Generator	
21833	William D Olewniczak	57S Miller Ave	Er. Deck	
21834	Frank Guevara	28 Sawgrass Ln	Er. Shed	
21835	Ronald Benderson 1995 Trust	6729 Transit Rd	Er. Comm. Add./Alt.	
21836	C. Brian Hohmann	45 Trentwood Trl N	Re-Roof	
21837	Dennis & Theresa Kuzma	24 Summerfield Dr	Re-Roof	
21838	Kevin McCarthy	26 Jonquille Ct	Er. Pool-Abv Grnd	
21839	Robert Lampka Jr.	81 Pardee Ave	Er. Fence	(V/L)
21840	Brian Firestone	266 Westwood Rd	Er. Pole Barn	
21841	T R Renovation Services Inc.	393 Central Ave	Re-Roof	
21842	Besroi Construction	27 Randolph St	Re-Roof	(V/L)
21843	Besroi Construction	34 Village View	Re-Roof	
21844	Mark & Denise Szymusiak	5671 Broadway	Er. Sign - Temp	
21845	Ulrich Sign Co. Inc.	3615 Walden Ave	Er. Sign – Wall	(V/L)
21846	Ulrich Sign Co. Inc.	100W Drullard Ave	Er. Sign – Wall	(V/L)
21847	The Vinyl Outlet Inc.	49 Middlebury Ln	Er. Fence	
21848	Glamour Pools	8 Sterling Pl	Er. Pool-In Grnd	
21849	Paulette M. Hamilton	8 Sterling Pl	Er. Fence	
21850	Randy Spears	57 Brunck Rd	Er. Garage	
21851	Zee Property Services Inc.	31 Grafton Ct	Er. Fence	
21852	Joseph & Ann Raniero	380 Seneca Pl	Re-Roof	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** the Town Board is considering the proposed **Jiffy-Tite** Company’s construction of a 6,200 sq. ft. Office Addition located at 4437 Walden Avenue, Lancaster, New York, and

**WHEREAS,** THE Town of Lancaster Municipal Review Committee has reviewed the construction request and recommended its approval at their meeting on July 1, 2013, and

**WHEREAS,** the Town Board has duly considered the plans for the building, the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS,** the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS,** the proposed action has been labeled an “Unlisted” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

- 1. The proposed Jiffy-Tite Company’s construction of a 6,200 sq. ft. Office Addition located at 4437 Walden Avenue, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
- 2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
- 3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
- 4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013



**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: July 15, 2013**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed Jiffy-Tite Company’s construction of a 6,200 sq. ft. Office Addition (the “Project”). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Jiffy-Tite Building Expansion

**Location of Action:** 4437 Walden Avenue, Lancaster, New York

**SEQR Status:** Unlisted Action.

**Description of Action:** The proposed action involves the construction of a 6,200 sq. ft. addition to the Jiffy-Tite offices.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will cause a small to moderate impact to the physical characteristics of the site.
  - It is noted that construction will take place on land where the depth to the water table is one to two feet.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.

5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact upon threatened or endangered species.
  - Pesticide and herbicide may be applied for lawn care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.

18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact upon the character of the existing community.
- The proposed action may create employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

**For Further Information:**

Contact Person:	John M. Dudziak, Town Attorney Town of Lancaster
Address:	21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town Board is considering the proposed redevelopment of the existing **Basil Chevrolet** .61 acre site by removing a 26’ x 176’ concrete block building and replacing it with a 36’ x 95’ Five-Bay Car Wash and a Tire Change Facility to be located at 5123-5127 Transit Road Lancaster, New York, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has review the construction request and recommended its approval at their meeting on July 1, 2013, and

**WHEREAS**, the Town Board has duly considered the plans for the building, the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled an “Unlisted” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. The proposed redevelopment of the existing Basil Chevrolet site by removing a 26’ x 176’ concrete block building and replacing it with a 36’ x 95’ Five-Bay Car Wash and a Tire Change Facility located at 5123-5127 Transit Road, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: July 15, 2013**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed redevelopment of the existing Basil Chevrolet site by removing a 26’ x 176’ concrete block building and replacing it with a 36’ x 95’ Five-Bay Car Wash and a Tire Change Facility (the “Project”). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Basil Kwik Oil Change Addition

**Location of Action:** 5123-5127 Transit Road, Lancaster, New York

**SEQR Status:** Unlisted Action.

**Description of Action:** The proposed action involves the redevelopment of the existing Basil Chevrolet site by removing a 26’ x 176’ concrete block building and replacing it with a 36’ x 95’ Five-Bay Car Wash and a Tire Change Facility.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.

5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.

19. The proposed action may have a small to moderate impact upon the character of the existing community.
- The proposed action may create employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

**For Further Information:**

Contact Person:	John M. Dudziak, Town Attorney Town of Lancaster
Address:	21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated July 2, 2013, has requested the addition of two members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

**ADDITIONS:**

Christopher Kidder	Samuel Villafranca
Lancaster, New York	Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS, Basil Chevrolet,** has submitted a site plan prepared by Reilly Meegan Architecture, dated July 5, 2013 and received July 10, 2013 for the proposed 962 square foot addition to existing stucco building located at 5123-5127 Transit Road, in the Town of Lancaster, and

**WHEREAS,** the site plan for a larger project was submitted to the Planning Board and was approved at their June 5, 2013 meeting and the addition was presented at their July 10, 2013 meeting, and

**WHEREAS,** a SEQR Review for the larger project was held and a negative declaration was issued on July 15, 2013.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Basil Chevrolet and prepared by Reilly Meegan Architecture, dated July 5, 2013 and received July 10, 2013 for the proposed 962 square foot addition to existing stucco building located at 5123-5127 Transit Road in the Town of Lancaster with the following condition:

- Basil Chevrolet to replace entire fence located on the east property line.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** the **Jiffy-Tite Company**, has submitted a site plan prepared by BHNT Architects, dated May 21, 2013 and received May 23, 2013 for the proposed construction of a 6,200 sq. ft. Office Addition located at 4437 Walden Avenue, in the Town of Lancaster, and

**WHEREAS,** the site plan for this project was submitted to the Planning Board and was approved at their June 5, 2013 meeting, and

**WHEREAS,** a SEQR Review of this project was held and a negative declaration was issued on July 15, 2013.

**NOW, THEREFORE, BE IT  
RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Jiffy-Tite Company and prepared by BHNT Architects, dated May 21, 2013 and received May 23, 2013 for the proposed construction of a 6,200 sq. ft. Office Addition located at 4437 Walden Avenue in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Town of Lancaster Youth Bureau, under the direction of the Drug Abuse Prevention Council a grant for the period January 1, 2013 through December 31, 2013 in the amount of \$3,294.00 to fund the operation of a substance abuse prevention program, and

**WHEREAS**, the Town Board has previously entered into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds, and

**WHEREAS**, the Town Board deems it in the public interest to collaborate with WNY United Against Drug & Alcohol Abuse, Inc. to provide services designed to reduce the frequency and severity of youth alcohol and substance abuse in the Town of Lancaster;

**NOW THEREFORE, BE IT**

**RESOLVED**, that Dino J. Fudoli, Supervisor of the Town of Lancaster, is hereby authorized to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of the New York State Office of Alcoholism and Substance Abuse Services’ funds in the amount of \$3,294.00 to continue operation of a substance abuse prevention program through the Town of Lancaster Youth Bureau.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS, Benderson Development Company, LLC** has requested that the Town Board grant a **two (2) year extension** for the site plan approval for the proposed construction of four (4) single-story retail buildings totaling 85,980 square feet located at 4817 Transit Road in the Town of Lancaster, and

**WHEREAS,** the Town Code Section 50-43(C)(5) provides that the Town Board may grant a further extension of the original Two (2) year time limitation for commencement of development from the date of approval of a site plan, and

**WHEREAS,** the Town Board has given due review and consideration to the request for the extension;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster using the authority granted to it under Section 50-43 (C)(5) hereby extends a two (2) year statutory approval on the site plan previously approved for **Benderson Development Company, LLC** for the proposed construction of four (4) single-story retail buildings totaling 85,980 square feet located at 4817 Transit Road in the Town of Lancaster from November 2, 2012 to November 1, 2014 with the following conditions:

1. Signalization at project entrance on Transit Road across from Jessica Lane, despite the distance being less than 1,200 feet from the signal at Transit Road and French Road to the south. This signalization is in lieu of a signal at the entrance to Kohl's.
2. Town Board considers the one-way, eastbound road off Transit Road near the south property line an important feature of this design that it supports pedestrian safety on the pedestrian walkway.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Wm. Schutt Associates, P.C., the Town of Lancaster’s consulting engineer, has requested that the Town Board authorize an invitation to bid for the 2013 Culvert Replacements for two (2) box culverts on Lake Avenue within the Town of Lancaster, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law Section 103 of the State of New York;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby invites public bids for the 2013 Culvert Replacements on Lake Avenue, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on August 14, 2013 and opened thereafter.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

## **NOTICE TO BIDDERS**

FOR THE

### **TOWN OF LANCASTER TOWN HIGHWAY DEPARTMENT 2013 CULVERT REPLACEMENT PROJECT LAKE AVENUE**

Sealed bids for the proposed replacement of the Town of Lancaster 2013 Culvert Replacement project on Lake Avenue in the Town of Lancaster will be received by the Town Clerk at her office in the Town Hall, 21 Central Avenue, Lancaster, New York on or before 10:00 A.M. local time on August 14, 2013, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents for the Culvert Replacement Project may be obtained at the office of the ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the ENGINEER]. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in this Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

#### **Consulting Engineers:**

William Schutt & Associates, P.C.  
Lancaster, Erie County, New York  
37 Central Avenue  
Lancaster, NY 14086-2143  
(716) 683-5961  
Date: July 25, 2013

By the Order of the Town Board of  
Lancaster, Erie County, New York

Johanna Coleman  
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town owns certain real property commonly known as 3949 Walden Avenue, Lancaster, New York (the “Property”); and

**WHEREAS**, the Town previously determined that the Property is not used or needed for any public purpose and approved the sale of the Property pursuant to the terms of a certain contract between the Town and Erie Engineered Products, Inc. (the “Purchaser”) dated December 7, 2012 for \$1,425,000.00 (the “Agreement”); and

**WHEREAS**, during the course of the Purchaser’s due diligence investigations of the Property, the Purchaser has discovered various matters relating to the physical condition of the Property with respect to the roof and the electrical capacity of the Property as a result of which the Property would be unacceptable to it at the purchase price set forth in the Agreement; and

**WHEREAS**, the Purchaser is willing to accept the condition of the roof and the electrical capacity of the Property and to proceed with the purchase, provided that the purchase price of the Property is reduced to \$1,270,000.00 (the “Amended Purchase Price”); and

**WHEREAS**, the parties have become aware of an incorrect statement in the Agreement with regard to the zoning classification of the Property;

**WHEREAS**, the Purchaser is willing to consent to a withdrawal of the incorrect statement regarding the zoning classification of the Property provided that the Town takes certain actions that will satisfy the Purchaser that its intended operations will not be prohibited as a result of the zoning of the Property; and

**WHEREAS**, the Town desires to accept such amendments to the terms and conditions of the Agreement;

**NOW, THEREFORE,**

**BE IT RESOLVED**, that, subject to permissive referenda, the Board hereby (a) approves the amendment to the terms and conditions of the Agreement in the form presented (the “Amendment”); and (b) authorizes the Supervisor to execute and deliver the transactional documents required by the Amendment; and (c) authorizes the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to implement the terms and conditions of the Agreement and the Amendment and to allow for the Town’s sale of the Property.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July15, 2013

## AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

**THIS AMENDMENT** (this “Amendment”) made as of the Effective Date prescribed pursuant to Section 8 hereof, by and between The Town of Lancaster, New York, a municipality in Erie County, New York having offices at 21 Central Avenue, Lancaster, NY 14086 (“Seller”), and Erie Engineered Products, Inc., a New York corporation having offices at 908 Niagara Falls Boulevard, North Tonawanda, NY 14120 (“Purchaser”).

**WHEREAS**, pursuant to a certain Agreement for Purchase and Sale of Real Estate made as of December 7, 2012, (the “Agreement”), Seller has agreed to sell and Purchaser has agreed to purchase improved real property situated at 3949 Walden Avenue, Town of Lancaster, Erie County, New York, having approximately 348.48 feet of frontage on the south side of Walden Avenue that is improved with, inter alia, a one story building of approximately 74,513 square feet, which property is described with more particularity in the Agreement (the “Property”); and

**WHEREAS**, the parties have become aware of an incorrect statement by the Seller in the Agreement with regard to the zoning classification of the Property; and

**WHEREAS**, Purchaser in the course of its due diligence investigations has discovered various matters relating to the physical condition of the Property as a result of which the Property would be unacceptable to it at the Purchase Price set forth in the Agreement; and

**WHEREAS**, the Purchaser is willing to consent to a withdrawal of the incorrect statement regarding the zoning classification of the Property and to accept the condition of the roof and the electrical capacity of the Property and to proceed with the purchase, provided that the Agreement is amended as provided herein and that the Seller takes certain actions that will satisfy the Purchaser that its intended operations will not be prohibited as a result of the zoning of the Property; and

**WHEREAS**, the Seller is willing to proceed with the sale of the Property subject to revision of certain terms and conditions as hereinafter set forth;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Seller and Purchaser agree as follows:

All initially-capitalized terms used in this Amendment but not defined herein shall have the meaning ascribed thereto in the Agreement.

Section 2.1 of the Agreement is modified, effective immediately, so that the Purchase Price for the Property is and shall be One Million Two Hundred Seventy Thousand and 00/100 dollars (\$1,270,000.00). Section 4.1(k) of the Agreement is amended by deleting “\$1,333,333.00” and replacing it with “\$1,270,000.00”. The parties agree that this price reduction results from Purchaser’s objection to the physical condition of the roof and the electrical capacity of the Property and that Purchaser requires this price reduction as a condition to close.

Seller and Purchaser agree that the original “Due Diligence Date” as specified in Section 3.3(a) is June 28, 2013.

Provided that the Seller successfully adopts an amendment to the Town of Lancaster Zoning Code in the form attached hereto as **Exhibit A** (subject to any changes approved by Purchaser in writing) (the “Zoning Amendment”) and takes any and all actions at its sole expense (including but not limited to making any required filings with the New York Secretary of State to cause such Zoning Amendment to become unconditionally effective as law as of no later than the Closing Date and at Closing, the Town delivers a written opinion of the Town Attorney, reasonably satisfactory to Purchaser, stating that the Zoning Amendment is in full force and effect, the parties agree that the following modifications to the Agreement shall be deemed effective as of the effective date of the Zoning Amendment as law:

If the Zoning Amendment becomes law and an opinion of counsel is delivered as provided in the preceding paragraph, Section 5.7 of the Agreement (the “Zoning Representation and Warranty”) shall thereupon be deemed to have been amended as of the Effective Date of the Agreement so that the phrase “G-1 General Industrial Zone” is changed to “L-I Light



Industrial Zone,” and Purchaser shall not thereafter be entitled to rely on or assert any claim based on any representation or warranty by Seller that the Property was located in a G-1 General Industrial Zone; in addition, the certificate required pursuant to Section 4.2(e) of the Agreement from the Seller’s Supervisor shall refer to the zoning pursuant to the Zoning Amendment.

Adoption and effectiveness of the Zoning Amendment as provided in this Amendment by not later than September 23, 2013 shall be a condition to the obligation of Purchaser to consummate the transaction contemplated by the Agreement. If the Zoning Amendment becomes effective as law, Seller shall promptly notify Purchaser in writing to that effect. Failure of this condition to be satisfied shall constitute a failure by Seller under Section 4.1(h) of the Agreement.

Anything in the Agreement as amended hereby to the contrary notwithstanding, and in addition to any other provision under the Agreement (as amended hereby) providing for termination of the Agreement, Purchaser may terminate the Agreement, decline to consummate the purchase of the Property without any further liability hereunder, and receive a refund of all Deposits, if:

The Seller’s Board of Supervisors (“Town Board”) shall have failed to adopt resolutions on or before July 15, 2013 (the “Amendment Consideration Date”) pursuant to which it ratifies and approves this Amendment; or the Town Board shall have failed within ten (10) days after adoption of such resolutions to have published notice as required under applicable law that such resolutions have been adopted; within five (5) business days after taking each action required pursuant to this paragraph (a), the Seller shall certify to Purchaser that it has done so. Within thirty (30) calendar days after adoption by the Town Board of resolutions satisfying subparagraph (a) above, such number of residents of the Town of Lancaster sufficient in number and legally competent to do so shall have petitioned or taken other legal action such as will require that a referendum of Town residents be conducted with respect to this Amendment and/or the transaction contemplated by the Agreement as amended hereby; Purchaser may elect to terminate this Agreement if either any such referendum is required or if the result of any such referendum prohibits consummation of the transactions contemplated by this Agreement or calls into question the right, power or authority of the Seller to do so.

Except as amended hereby, the Agreement is hereby ratified, confirmed and approved in all respects and remains in full force and effect in accordance with its terms.

The Effective Date of this Amendment shall be the latest date set forth below alongside a party’s signature.

This Amendment may be executed in identical counterparts and shall be effective if each party hereto shall have delivered a fully executed counterpart to the other as hereinafter provided. Delivery of counterparts shall be effective if an executed counterpart is delivered by either e-mail to each party’s respective attorney, or by facsimile transmission to the party, provided in either case that a counterpart bearing a party’s original signature is delivered to the other party by posting the same in a United States Postal Service receptacle within two (2) business days after such e-mailing or facsimile transmission, addressed as provided in Section 9 of the Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment as of the date first above written.

**SELLER :**

**THE TOWN OF LANCASTER**

By: \_\_\_\_\_  
Dino Fudoli, Supervisor

Date: \_\_\_\_\_

**PURCHASER :**

**ERIE ENGINEERED PRODUCTS, INC.**

By: \_\_\_\_\_  
Ronald W. Korczynski, Vice President

Date: \_\_\_\_\_

**EXHIBIT A**

**Town of Lancaster  
Local Law No. \_\_\_\_ of 2013**

**A Local Law Amending the Town of Lancaster Zoning Code to Clarify Permitted Uses in  
the Light Industrial District**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**Section 1:** Section 50-24(B)(1)(d)[7] of the Town of Lancaster Town Code is amended to read in its entirety as follows:

[7] Panels, sheets, tubes and rods, machining, extrusion, casting. This includes, but is not limited to, manufacturing, fabrication, construction, assembly and finishing of cases and containers made of metal, plastic, and other materials, and activities and processes that are incidental to any of the foregoing.

**Section 2:** Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 3:** Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

**PUBLIC NOTICE**  
**TOWN OF LANCASTER**

Publish Once  
July 18, 2013

NOTICE IS HEREBY GIVEN that on July 15, 2013, the Town Board of the Town of Lancaster adopted a resolution which is subject to a permissive referendum in accordance with Article 7 of the Town Law of the State of New York.

Erie Engineered Products, Inc. has requested an amendment to the purchase contract for the Property located at 3949 Walden Avenue, Lancaster, New York to reduce the purchase price of the property to \$1,270,000.00 as a result of the purchaser's objection to the physical capacity of the property and to correct a misstatement with regard to the zoning of the property and such other terms and conditions as set forth in the Amendment to the contract between the parties.

The Town desires to accept such offer to sell the property to Erie Engineered Products, Inc. subject to the terms and conditions of the agreement.

Signed \_\_\_\_\_  
JOHANNA M. COLEMAN,  
TOWN CLERK

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board wishes to clarify that certain activities are, in fact, permitted uses within the Light Industrial Zoning District, and

**WHEREAS**, the Town Board is the Lead Agency pursuant to SEQRA, as it is the only agency which has discretionary approval authority over this Action; and

**WHEREAS**, while this action could be considered a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQRA"), the Town Board has determined to treat it as a "Type I" action out of an abundance of caution; and

**WHEREAS**, the Town Board has duly considered the Action, the Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act ("SEQRA") regulations, the draft Negative Declaration, and such other information deemed appropriate; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination;

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. Based upon a thorough review and examination of the known facts relating to the Amendment, the Town Board's knowledge of the Town's Light Industrial Districts and its surrounding areas and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that a draft environmental impacts statement will not be prepared.
2. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.
3. The Town Supervisor and/or Town personnel are hereby authorized and directed to distribute copies of the resolution as necessary and to publish the requisite notice in the Environmental Notice Bulletin.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

July 15, 2013

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: July 15, 2013**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the "Town Board"), as lead agency, has reviewed the proposed project ("action") and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Local Law clarifying permitted uses in the Light Industrial Zoning District.

**Location of Action:** Town-wide, in the Light-Industrial Zoning District.

**SEQR Status:** Type I Action.

**Description of Action:** The Town is amending the Town of Lancaster Zoning Code ("Code") to clarify permitted uses in the Light Industrial Zoning District. Specifically, the Amendment clarifies that the permitted use of manufacturing of "panels, sheets, tubes and rods, machining, extrusion, casting" includes, but is not limited to, manufacturing, fabrication, construction, assembly and finishing of cases and containers made of metal, plastic, and other materials, and activities and processes that are incidental to any of the foregoing

**Reasons Supporting this Determination:** The Town Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act ("SEQRA"). The Town Board compared the proposed project ("action") with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

**(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;**

**a. Traffic Impacts**

The Local Law will not have a significant adverse impact upon traffic or transportation. The Local Law will not increase traffic in the Town and it will have no impact on roadways in the Town, including in the Light-Industrial District. The action would not displace businesses or residences or change roadways or vehicular or pedestrian travel patterns. The proposed Local Law merely clarifies permitted uses in the Light-Industrial district.

**b. Noise Impacts**

The Local Law will not create a significant adverse noise impact. There will be no construction or increase of intensity of any use. The proposed Local Law clarifies uses already permitted within the Town's Light-Industrial District.

c. **Air Quality Impacts**

The Local Law will not create a significant adverse impact to air quality. There is no increase in intensity of any use. The proposed Local Law merely clarified uses already permitted within the Town's Light-Industrial District.

d. **Wetland Impacts**

There will be no impact to wetlands. The proposed action does not contemplate any construction of any kind. There is merely a text change of the Zoning Code to clarify permitted uses. Any construction, as is currently the case, must comply with applicable Federal, State, and local laws with respect to wetland impacts.

e. **Erosion, Flooding and Drainage Impacts**

Since no construction or increase of intensity of any use is contemplated, there will be no adverse impacts resulting from erosion, flooding, or drainage.

f. **Solid Waste Production**

There will be no increase in intensity of use or construction; thus, the proposed Local Law will not increase solid waste production.

**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

No construction or increase in intensity of any use is contemplated. Thus, there will be no removal or destruction of large quantities of vegetation or fauna as the result of the Local Law. Nor will there be substantial interference with the movement of any resident or migratory fish or wildlife species. There will not be any impacts on a significant habitat area or any impacts on wildlife.

**(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;**

There is no Critical Environmental Area within the Town of Lancaster, thus there will be no significant adverse impacts.

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;**

The proposed Local Law is consistent with the Town's current plans and goals. The proposed Local Law is designed to clarify permitted uses within the Light-Industrial zoning district within the Town. No changes of uses are contemplated.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

The proposed Local Law will have no adverse impact on the surrounding community character. It will not add additional permitted uses within the Light-Industrial District in the Town. The Action conforms to officially adopted plans or goals of the Town. No demand for additional community services will result from the action.

**(vi) a major change in the use of either the quantity or type of energy;**

There will be no such impacts.

**(vii) the creation of a hazard to human health;**

There will be no such impacts.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

There will be no such impacts. Areas within the Town's Light-Industrial District are not used for agricultural or recreational purposes. No change is contemplated by the proposed Local Law. It merely clarifies permitted uses.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

There will be no such impacts.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

There will be no such impacts.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

There will be no such impacts.

**(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

There will be no such impacts.

**For Further Information:**

Contact Person:	John Dudziak, Esq.
Address:	Town of Lancaster 21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster ("Town Board") has considered and evaluated a proposed Local Law which clarifies that certain activities are, in fact, permitted uses within the Town's Light Industrial Zoning District; and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act ("SEQRA") has performed the required environmental review and has issued a Negative Declaration for the proposed Local Law; and

**WHEREAS**, the Town Planning Board has reviewed and recommended approval of the proposed Local Law; and

**WHEREAS**, the Town referred the proposed local law to the Erie County Department of Environment and Planning in accordance with the General Municipal Law; and

**WHEREAS**, the Erie County Department of Environment and Planning responded that the proposed Local Law is a matter of local concern and presents no significant countywide or inter-community impact; and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on July 1, 2013, where all interested parties were allowed to address the proposed Local Law;

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. The attached **Local Law No. 1 of 2013** is hereby amended by removing "Section 2," and as amended is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

July 15, 2013



**LEGAL NOTICE-  
NOTICE OF ADOPTION  
LOCAL LAW NO. 1 OF THE YEAR 2013  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on July 15, 2013, Local Law No. 1 of the Year 2013, which amends Chapter 50, "Zoning", by amending Section 50-24(B)(1)(d)[7] of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW AMENDING THE TOWN OF LANCASTER ZONING  
CODE TO CLARIFY PERMITTED USES IN THE LIGHT  
INDUSTRIAL DISTRICT."**

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

July 15, 2013

**Town of Lancaster**  
**Local Law No. 1 of 2013**

**A Local Law Amending the Town of Lancaster Zoning Code to Clarify Permitted Uses in the Light Industrial District**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**Section 1:** Section 50-24(B)(1)(d)[7] of the Town of Lancaster Town Code is amended to read in its entirety as follows:

[7] Panels, sheets, tubes and rods, machining, extrusion, casting. This includes, but is not limited to, manufacturing, fabrication, construction, assembly and finishing of cases and containers made of metal, plastic, and other materials, and activities and processes that are incidental to any of the foregoing.

**Section 2:** Removed

**Section 3:** Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 4:** Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

**PREFILED RESOLUTION NO. 15 – MEETING OF JULY 15, 2013**

15. Ruffino/ \_\_\_\_\_ Award Contracts For Construction Of Lancaster Depew Baseball Indoor Baseball Training Facility To Building Innovation Group Inc, Allied Mechanical, Weydman Electrical Inc & Ackerman Plumbing Inc

This resolution was withdrawn by Councilmember Ruffino for further study.

## **COMMUNICATIONS & REPORTS**

- 393. Charles Sickler, P.E., ECDPW to Supervisor –  
Notice regarding Pre-Letting Meeting on Wednesday, July 10, 2013, for  
miscellaneous bridge repairs in Erie County. Disposition = Received & Filed**
- 394. Efrat S. Forgette, P.E., NYSDEC to Gunter Burkhardt –  
Letter stating which items need to be addressed at Good Earth Yard Waste  
Compost Facility, 5960 Broadway. Disposition = Received & Filed**
- 395. Town Attorney to Town Board and Planning Board –  
Copy of SEQR response from NYSDOT regarding Basil Kwik Oil Change  
Expansion, 5123-5127 Transit Road. Disposition = Received & Filed**
- 396. Town Attorney to Town Board and Planning Board –  
Copy of SEQR response from NYSDOT regarding Jiffy-Tite Building Expansion,  
4437 Walden Avenue. Disposition = Received & Filed**
- 397. Highway Superintendent to Supervisor –  
Notice of appointment of Christian Rice to the position of Laborer Grade #1  
in the Highway Department effective July 2, 2013. Disposition = Received & Filed**
- 398. Town Clerk to Town Board –  
Monthly report for June 2013. Disposition = Received & Filed**
- 399. Town Attorney to Town Board and Planning Board –  
Copy of SEQR response from NYSDEC regarding May's Tree Service Building  
Addition, 73 Cemetery Road. Disposition = For Resolution**
- 400. Richard E. DeVries, Vice-President Town Line Fire Dept. to Town Clerk –  
Request for change in roster. Disposition = Resolution 7/15/13**
- 401. Town Clerk to Erie County Dept. of Environment & Planning –  
Transmittal of Zoning Coordination Referral and Application for Special Use  
Permit for Try-It Distributing, 4155 Walden Avenue.  
Disposition = Planning Committee**
- 402. Lee Chowaniec to Town Board –  
Comments on public hearing held on July 1, 2013 regarding Buffalo-Lancaster  
Airport Special Use Permit application. Disposition = Received & Filed**
- 403. Village of Lancaster to Town Board –  
Copy of minutes from regular meeting held on June 24, 2013.  
Disposition = Received & Filed**
- 404. David Hangauer to Planning Board Chairman and Planning Board –  
Request for Planning Board to rescind the May 15, 2013 recommendation  
to the Town Board with two text zoning changes commingled, and instead  
make two separate recommendations. Disposition = Planning Committee**
- 405. David Hangauer to Zoning Board Chairman and Zoning Board –  
Request for Zoning Board of Appeals to enforce the Stipulation and  
Agreement between the SACL and the BLA dated June 2010.  
Disposition = Received & Filed**
- 406. John Trojanowsky, Executive Director Youth Bureau to Supervisor and Town  
Board –  
Request for approval of Memorandum of Understanding between the Youth  
Bureau and WNY United Against Drug & Alcohol Abuse.  
Disposition = Resolution 7/15/13**

- 407. Try-It Distributing Co., American Natural Gas & Wendel to Supervisor and Town Board =**  
Request that the Site Plan Application and Special Use Permit Application be processed together for construction of a Compressed Natural Gas Fueling Station at 4155 Walden Avenue. Disposition = Planning Committee
- 408. Charles Sickler, P.E., ECDPW to Supervisor –**  
Notice of Pre-Construction Meeting on Friday, July 19, 2013, regarding Penora Street (CR 23) Phase II in the Town of Lancaster.  
Disposition = Received & Filed
- 409. Town Attorney to Town Board and Planning Board –**  
Copy of SEQR response from Erie County Dept. of Public Works regarding May's Tree Service Building Addition, 73 Cemetery Road.  
Disposition = Planning Committee
- 410. Kevin Lemaster to Supervisor and Town Board –**  
Request for elimination of the zoning change in its entirety regarding Lancaster Airport and state that the airport is a non-conforming use.  
Disposition = Received & Filed
- 411. Town Attorney to NYSDEC, ECDPW, NYSDOT, ECDEP, EC Health Dept., & Div. of Sewerage Management –**  
Request for Designation of Lead Agency regarding Try-It Distribution Expansion to Construct Compressed Natural Gas Fueling Station, 4155 Walden Ave.  
Disposition = Planning Committee
- 412. Greenfield Manor, Inc. to Town Clerk –**  
Renewal notice for liquor license. Disposition = Received & Filed
- 413. Lieutenant Jeffrey Smith to Town Clerk –**  
Notice of no objection to fireworks application for Elegant Builders Raceway for July 12, 2013. Disposition = Received & Filed
- 414. Town Clerk to Matt Shaw, Elegant Builders Raceway –**  
Transmittal of approved fireworks permit for July 12, 2013.  
Disposition = Received & Filed
- 415. Newstead Town Clerk to Town Clerk –**  
Copy of resolution adopted by Newstead Town Board Demanding an End To Federal Government Sugar Subsidies. Disposition = Received & Filed
- 416. Newstead Town Clerk to Town Clerk –**  
Copy of resolution adopted by Newstead Town Board regarding snow removal and de-icing of county roads within the towns that is fair and equitable.  
Disposition = Received & Filed
- 417. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –**  
Notice of SEQR Review Meeting regarding Amendment to the Town of Lancaster Zoning Code – Light Industrial District on Monday, July 15, 2013 at 6:15PM.  
Disposition = Planning Committee
- 418. Joanne George of Iroquois School District to Town Clerk –**  
Notice that Iroquois Central School Board of Education confirmed the appointment of Johanna Coleman as tax receiver for the Town of Lancaster for the 2013-2014 school year. Disposition = Received & Filed

- 419. Town Clerk to Various News Media –**  
**Notice of meeting of Municipal Review Committee on Monday, July 15, 2013 at 6:15PM for the SEQRA review of the Amendment to the Zoning Code to clarify permitted uses in the Light Industrial Zoning District.**  
**Disposition = Received & Filed**
- 420. Philip Nanula President Essex Homes of WNY to Supervisor –**  
**Request for Town of Lancaster to not change the zoning classification of the airport and that it continue to be a non-conforming use.**  
**Disposition = Received & Filed**
- 421. Highway Superintendent to Town Board –**  
**Comments regarding anticipated filing of mining permit at PM Peppermint Inc. Mined Land Reclamation. Disposition = Received & Filed**
- 422. Herbert Guenther, Premier Presentations to Town Board –**  
**Recommendations for Award of Contracts for LDB Indoor Baseball Practice Facility. Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED  
BY COUNCIL MEMBER AQUINO AND CARRIED,** the meeting was adjourned  
at 8:47 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk